

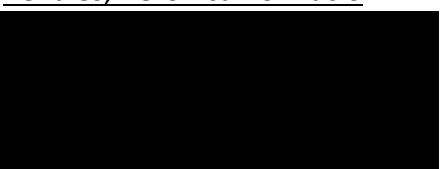
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**DISCRIMINATION COMPLAINT FORM**  
**to the**  
**United States Department of**  
**Education Office for Civil Rights**

1. Name of person filing this complaint:

**Last Name, First, Middle** Swain, Lauren  
**Address:** 8532 N. Ivanhoe St., #208  
**City, State, Zip Code:** Portland, OR 97203  
**Home/Work Telephone:**   
**Email Address:** lauren@paulsouthwick.com

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

**Last Name, First, Middle** Penales, Veronica Bonifacio  
**Address:**   
**City, State, Zip Code:**  
**Home/Work Telephone:**  
**Email Address:**

3. OCR investigates discrimination complaints against institutions and agencies which receive funds from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

**Name of Institution:** Baylor University  
**Address:** 1311 S. 5th St.  
**City, State, Zip Code:** Waco, TX, 76706  
**Department/School:**

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, age or retaliation. Please indicate the basis of your complaint:

Discrimination **based on sex (specify)**

Discrimination on the basis of sexual orientation

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5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

Baylor publishes a statement on sexuality that includes anti-LGBT policies. The statement urges students "struggling" with same sex attraction to seek counseling. Baylor claims in its Civil Rights policy that it is exempt from compliance with select civil rights laws on the basis of religious exemption. As a result of these policies, Veronica does not feel free to express her sexual orientation while attending Baylor. When Veronica reports harassment hateful anti-LGBT statements from other students, officials at the school do not address it and instead tell her to seek counseling. As a result, Veronica has stopped reporting hate speech to the school staff. Please see attached declaration.

6. What is the most **recent date** you were discriminated against?

Date: Current, Ongoing

7. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

X I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why you waited until now to file your complaint.

1) the Covid-19 pandemic;  
2) The Trump administration's policies and statements about religious exemptions to Title IX;  
3) The Trump administration's policies and statements about Title IX not prohibiting discrimination on the basis of sexual orientation or gender identity.  
4) Although the initial act of discrimination took place more than 180 days ago, Veronica's complaint should not be considered time-barred because Baylor continues to discriminate against Veronica and to promulgate policies and practices that discriminate against LGBTQ+ students.

8. Have you attempted to resolve these allegations with the institution through an internal grievance procedure, appeal or due process hearing?

Yes

If you answered **yes**, please describe the allegations in your grievance or hearing, identify the date you filed it, and tell us the status. If possible, please

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provide us with a copy of your grievance or appeal or due process request and, if completed, the decision in the matter.

See attached declaration.

9. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

**Agency or Court:** U.S. District Court - District of Oregon - Eugene Division

**Date Filed:** 03/29/21

**Case Number or Reference:** 6:21-cv-00474-AA

**Results of Investigations/Findings by Agency or Court:** Pending

10. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information **is not required**, but it will be helpful to us.

Not applicable

11. What would you like the institution to do as a result of your complaint — what remedy are you seeking?

Veronica would like Baylor's policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by Baylor in the same manner as opposite-sex dating relationships and displays of affection; (2) students will not be punished for coming out as LGBTQ+ or for expressing their sexual or gender identity (through pronouns, clothing, hair, makeup, etc.); (3) Baylor will not encourage or facilitate conversion therapy or any other sexual or gender orientation change efforts; (4) students who report sexual or physical assault will be granted safe harbor from discipline relating to sexual activity or other code of conduct violations; and (5) Baylor's non-discrimination policy includes sexual orientation and gender identity as applied to all aspects of Baylor, including housing and other programs.

12. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

07/23/2021

(Date)

Jul 24, 2021

(Date)

  
 (Signature) **Veronica Bonifacio Penales** https://secure.na3.adobesign.com/verifier?tx=CBJCHBCAABAASvUvcNWx92NGATNtmfNJPu9rpI9Hq-HG  
 Veronica Bonifacio Penales (Jul 24, 2021 17:29 CDT)  
 (Signature of person in Item 2)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

Elizabeth HUNTER; et al., on behalf of )  
themselves and all others similarly situated, )  
Plaintiffs, ) Civil Action No.  
v. )  
U.S. DEPARTMENT OF EDUCATION and )  
Suzanne GOLDBERG, in her official capacity as )  
Acting Assistant Secretary for Civil Rights, )  
U.S. Department of Education, )  
Defendants. )  
DECLARATION OF VBP

I, VBP, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. I am a resident of Waco, Texas, located in McClellan County.
3. I grew up in Shreveport, Louisiana and graduated from a public high school in 2019.
4. I began attending Baylor University in Waco, Texas in August 2019.
5. I am a pre-law student. I expect to graduate in May 2023 with a degree in Political Science and International Studies.
6. I am a Sophomore Senator under the Legislative Branch of Baylor Student Government.
7. I am also president of College Democrats of Baylor.
8. I received a Presidential Gold scholarship to attend Baylor.
9. Baylor has multiple statements listed in its website when it comes to marriage and sexuality.
10. The school has an official policy on sexual conduct. This policy states “Baylor will be guided by the biblical understanding that human sexuality is a gift from God and that physical sexual intimacy is to be expressed in the context of marital fidelity. Thus, it is expected that Baylor students, faculty, and staff will engage in behaviors consistent with this understanding of human sexuality.”
11. Baylor’s official Statement on Human Sexuality states “Baylor University welcomes all students into a safe and supportive environment in which to discuss and learn about a variety of issues, including those of human sexuality. The University affirms the biblical

understanding of sexuality as a gift from God. Christian churches across the ages and around the world have affirmed purity in singleness and fidelity in marriage between a man and a woman as the biblical norm. Temptations to deviate from this norm include both heterosexual sex outside of marriage and homosexual behavior. It is expected that Baylor students will not participate in advocacy groups which promote understandings of sexuality that are contrary to biblical teaching.”

12. This statement makes me feel like I don’t belong at Baylor.
13. Baylor does not practice what it preaches about diversity, inclusion, love and support because Baylor does not take actions to make us feel safe and supported. Words are not enough and ring hollow without action.
14. Baylor’s official statement on Human Sexuality then directs students “struggling” with these issues to go to some form of counselling at one of the on-campus counselling centers.
15. Baylor says that it does not condone conversion therapy but this statement sounds like the promotion of conversion therapy by another name.
16. Baylor University also has a statement of “Commitment to Diversity and Inclusion” which states “we seek to embody Christ’s teachings of love and inclusivity across boundaries of racial, ethnic, gender, socio-economic, religious, and other expressions of human difference. Because, at Baylor, ‘Love thy neighbor’ are not just words...they are a way of life.”
17. In practice, Baylor does not live up to this commitment.
18. This “way of life” seems to be a value of the school, except when it is not, such as when Baylor expressly allows for discrimination, as stated in Baylor’s Civil Rights policy, “As a religiously controlled institution of higher education, Baylor is exempt from compliance with select provisions of certain civil rights laws, and Baylor is also exempt from prohibitions of discrimination based on religion. As such, the University prescribes standards of personal conduct which are consistent with its religious mission and values”.
19. This statement tells me that Baylor cares more about its right to discriminate against queer and other students than it does about the health and safety of its queer and other students.
20. This policy of discrimination makes me feel unsafe and unprotected by the law.
21. Baylor is unlikely to discipline queer students merely for being queer. However, Baylor’s policy forbidding “homosexual behavior” and its other statements condemning queer identities and relationships, makes me feel like I could never show affection to a queer partner and that I would be at risk of discipline and ridicule if I were to hold their hand or give them a kiss in public.
22. I am a queer woman.

23. I initially attended Baylor as I considered it a safe school. It was close to home without being too close. Baylor could get me where I wanted to go in life and would put me on the career path that I wanted.
24. However, I have dealt with discrimination by my peers at Baylor since I came out. The school makes little effort to do anything about it.
25. The school's common response to my reporting hate on campus is that I should go to counselling. As a result, I stopped reporting incidents.
26. The incidents of harassment and discrimination against me include: (1) cruel, homophobic Instagram comments, including "#f\*\*runner  
#notinmygoodbaptistuniversity"; (2) someone left a Bible at my dorm door, that was annotated and highlighted all of the Scriptures that they claimed were against homosexuality; it also contained a handwritten note that said "I'm praying for you," (3) I've had sticky notes left on my door that use the f\*\* slur, which I reported to Baylor, but nothing was done about it.
27. Baylor has also defended a professor who sent a transphobic tweet that caused a lot of concern among queer students at Baylor. This felt like another betrayal of Baylor's purported values.
28. I am participating in this lawsuit because I want Baylor to realize what it is doing it wrong and harmful. There is no excuse for ostracizing, discriminating against, and hurting their students.
29. I am not using my name in this declaration for fear that I will be subject to harassment, discrimination and academic harm from Baylor professors, administrators and other students.
30. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 27<sup>th</sup> day of February, 2021.

By:   
VBP